THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.33442 OF 1998

DATED: 05-04-2007

Between :

Sri Laxmi S.T. & S.C. Labour Contract Co-operative Society Limited, Nayakampally, Dharmaram Mandal, Karimnagar District., rep. by its President M. Bheemaiah S/o. Bheema Lingaia .... Petitioner

And

The Superintending Engineer, (R & B) Head Quarters Circle, Hyderabad and others. .... Respondents

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WRIT PETITION No.33442 OF 1998

ORDER:

The petitioner is a Labour Contract Co-operative Society consisting of the members belonging to ST & SC.

This writ petition is filed aggrieved by the action of the respondents in insisting payment of Earnest Money Deposit (EMD) by the petitioner society pursuant to the Tender Notice dated 12-6-1998. It is contended that the petitioner is the lowest tenderer among the participants pursuant to the Tender Notice dated 12-6-1998 and therefore the respondents ought to have awarded the work to the petitioner society without insisting on payment of EMD since the petitioner society, being ST/SC Labour Contract Co-operative Society is exempted from payment of EMD. This Court while directing Rule Nisi, by order dated 9-12-1998 granted interim direction to the respondents not to allot the work notified in the Tender Notice dated 12-6-1998 to any person pending further orders. The said order continued to be in operation throughout.

Since the tender notice was of the year 1998 and in view of the interim orders the said work could not be allotted to any person, nothing survives for adjudication on merits.

Accordingly, the Writ Petition is disposed of granting leave and liberty to the petitioner to institute fresh proceedings raising the question relating to exemption claimed by the petitioner from payment of EMD, in case necessity thereof arises. No costs.

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G. ROHINI, J.

Dt. 05-04-2007
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